



FAXED
12-11-03
9:34:40
COPY

OFFICE OF THE SECRETARY OF STATE
STATE OF MISSOURI
JEFFERSON CITY
65101

MATT BLUNT
SECRETARY OF STATE

STATE CAPITOL
ROOM 208
(573) 751-2379

VIA FACSIMILE (202-219-8500) AND OVERNIGHT MAIL

December 10, 2003

Honorable Penelope Bonsall
Office of Election Administration
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: Computerized Statewide Voter Registration List Waiver

Dear Ms. Bonsall:

As Missouri's chief state election official responsible for the administration and coordination of State responsibilities pursuant to the Help America Vote Act of 2002 (HAVA), I am writing to certify that Missouri, for good cause as described below, will not be able to meet the January 1, 2004 deadline for the computerized statewide voter registration list requirements as provided in Section 303 of HAVA, and therefore requires a waiver until January 1, 2006. Although HAVA requires that this certification be submitted to the Election Assistance Commission (EAC), it seems most appropriate that this certification be submitted to the Office of Election Administration, since the EAC has yet to commence operations.

Section 303 (d)(1)(B) of HAVA provides that a State may acquire a waiver until January 1, 2006 if it can show good cause that it will not meet the January 1, 2004 deadline for implementing the computerized statewide voter registration database. The reasons that a waiver is necessary for Missouri are as follows:

1. Lack of funding. Missouri has received only a small portion of the federal funds promised under HAVA. If full funding occurs, Missouri is entitled to receive approximately \$76.5 million. To date, Missouri has received only \$17 million, all Title I money. Of that total, approximately \$12 million is

2. earmarked for the punch-card replacement program, so only \$5 million is available to fund the many other activities required by HAVA, such as the centralized database, accessible voting machines for each precinct, and voter and poll worker education programs. As set out in Section 6 of Missouri's State Plan, we estimate that a statewide database will cost approximately \$10 million, and we plan to use a combination of Title I, Title II, and state funds to purchase and implement the database. More federal funding is expected, but given that we have received only \$5 million of Title I funds that is available to spend on the database, and we have received no Title II money, Missouri does not have the funding at present to implement the database by January 1, 2004.
3. Social Security Administration Not Ready for the January 1, 2004 Deadline. HAVA requires state motor vehicle authorities to enter into an agreement with the Social Security Administration (SSA) to verify the accuracy of voter registration applications that have the last four digits of the social security number as the voter identification number. SSA is required to search its records to verify the accuracy of the information and match the individual with his or her social security number. SSA has informed the National Association of Secretaries of State (NASS) that it will not be ready to implement this program until August 2004. Due to this delay that is beyond our control, Missouri cannot proceed with a HAVA-compliant statewide voter registration database by January 1, 2004.
4. State Law Requires the Secretary of State to Utilize a Competitive Bidding Process. As a statewide elected official, the Secretary of State must adhere to state law governing procurement and purchasing of goods and services. The Secretary of State must follow a very formalized and competitive bidding process which takes time. While my Office has begun this process, it will not be completed in time to meet the January 1, 2004 deadline.

Despite these circumstances, Missouri is moving forward with plans to implement the database. As mentioned above, this Fall my office issued a comprehensive Request for Proposal (RFP) to initiate the competitive bid process for a statewide voter registration database. Five vendors have submitted proposals, which are currently under evaluation. My goal is to have a HAVA-compliant statewide voter registration database in place as soon as possible, but in any event, the database will be in place prior to January 1, 2006.

Please feel free to contact me if you have any questions.

Sincerely,



Matt Blunt

MB/TMJ/sf



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VIA FACSIMILE (202-501-1124) AND OVERNIGHT MAIL

December 10, 2003

Honorable Steven Perry
Administrator
U.S. General Services Administration
1800 F. Street, N.W.
Washington, D.C. 20405

Re: Punch Card Replacement Waiver

Dear Mr. Perry:

As Missouri's chief state election official responsible for the administration and coordination of State responsibilities pursuant to the Help America Vote Act of 2002 (HAVA), I am writing to certify that Missouri, for good cause as described below, will not be able to replace all of its punch card voting equipment by the November 2004 election as provided in Section 102 of HAVA, and therefore requires a waiver until the first election for federal office after January 1, 2006.

Section 102 (a)(3)(B) of HAVA provides that a State may acquire a waiver until the first election for federal office after January 1, 2006, if it can show a good cause for not meeting the November 2004 deadline. The reasons that a waiver is necessary for Missouri are as follows:

1. Security Concerns. Many new voting technologies have yet to be fully tested. A recent study by computer scientists at John Hopkins and Rice Universities identified security flaws in certain electronic voting systems. A growing number of computer scientists have serious doubts about the security of this new voting technology. In fact, an amendment to HAVA currently pending in Congress would, if passed, require a voter verified paper trail, thus rendering obsolete many electronic voting systems currently in use. Many vendors of electronic voting machines are working on adding a voter verifiable paper trail capability to their systems, but many of these are not yet available. Until these security issues have been addressed and resolved, it makes no sense to invest in costly new equipment.

2. Lack of Standards. HAVA establishes a new Election Assistance Commission (EAC) to oversee election reform. The EAC's duties include developing voting system standards and providing for testing and certification of voting systems by accredited laboratories. To date, the EAC has not commenced operations, so it has not had a chance to develop any standards. Missouri law requires that all new electronic voting systems certified by the Secretary of State must pass certification by an Independent Test Authority (ITA) and that the systems meet standards developed by the Federal Election Commission or the EAC. Missouri believes that it should delay purchasing new equipment until the EAC has developed the voting system standards, and such equipment has been certified to the new standards by an ITA.
3. Lack of Funds. Missouri has received approximately \$12 million of HAVA funds for punch card replacement. This comes to approximately \$3,192 per precinct, which is not adequate funding to replace all punch card voting machines in Missouri. More time is needed to allow local jurisdictions and the State to come up with additional funding to replace all punch card machines.
4. More Time Needed for Education and Training. States that have purchased electronic voting systems have learned that extensive education and training of voters and poll workers is necessary to make sure that the voting process runs smoothly at the polls on election day. Much of this education and training is specific to the type of voting machines purchased. Voters and poll workers need time to learn how to set up, use, and maintain this new technology. Given that much of the education and training cannot begin until after the new machines are purchased, and given that Missouri will not be in a position to begin such training and education until the new technology that meets the new EAC standards is certified, a waiver is necessary.

Missouri will ensure that all of the punch card voting systems in the qualifying precincts within the State will be replaced in time for the first election for federal office held after January 1, 2006.

Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Blunt". The signature is stylized with a large, looped "M" and a cursive "Blunt".

Matt Blunt

MB/TMJ/sf



GSA Office of the Chief Financial Officer

FEB 3 2004

The Honorable Matt Blunt
The Secretary of State of Missouri
Jefferson City, MO 65101

Dear Mr. Secretary:

Thank you for your letter, dated December 10, 2003, certifying that your State would not meet the deadline of replacing all punch card voting systems by the November 2004 general election, and asking for a waiver of the November 2004 deadline under Section 102(a)(3)(B) of the Help America Vote Act. Your request for a waiver of the deadline is approved, and the State shall ensure that all of the punch card voting systems in the qualifying precincts within the State shall be replaced in time for the first election for Federal office held after January 1, 2006.

Your State will still be responsible for reporting to the General Services Administration in the manner outlined in our letter of July 28, 2003. The only change will be the extension of the deadline for replacement of the punch card voting systems. If you have any questions or comments, please feel free to contact Stephen J. Kulenguski at (202) 501-4496.

Sincerely,

A handwritten signature in cursive script that reads "Deborah J. Schilling".

Deborah J. Schilling
Director of Budget

cc:
The Honorable Bob Holden
Governor of Missouri
Jefferson City, MO 65101

U.S. General Services Administration
1800 F Street, NW
Washington, DC 20405-0002
www.gsa.gov